## Remarks/Arguments

### Request for Reconsideration

The Office Action of April 8, 2009, has been carefully considered. Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

### Status of the Claims

It is noted that Claims 8 – 10 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1 – 8, and 10, are rejected under 35 U.S.C. 103(a) over the patent to Denz.

In view of the Examiner's rejections of the claims, applicant has amended Claims 8 – 10.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations, it is respectfully submitted that the rejection of Claims 8-10 under 35 U.S.C. 112, second paragraph, is overcome and should be withdrawn.

It is further respectfully submitted that claims now on file differ essentially and in an unobviousness, highly-advantageous manner from the methods disclosed in the reference.

Turning now to the reference, it can be seen that Denz discloses a method for detecting misfires in an internal combustion engine. As explained beginning at column 4, line 59, through column 5, line 60, Denz measures a compression time TV(i), where (i) represents the cylinder number, and also measures the compression time TV(i + 1) of the next cylinder, also, expansion time TE(i) is measured. From these measurements, a difference in expansion time DTE is determined from equation (a) and a difference in compression time DTV(i + 1) is determined in equation (B). Denz then goes on to set DTE(i) for a compression angular segment of piston (i) as a

difference DIFF(i). Next, in lines 55-60 of column 5, Denz shows that DIFF(i) equals TV(i +1) - TV(i). In other words, Denz shows the difference between the compression time of a first cylinder and a subsequent second cylinder. There is absolutely no teaching by Denz of measuring two successive compression times for a single cylinder and then determining a difference between the compression times of that one cylinder, as in the presently-claimed invention. Furthermore, Denz gives no suggestion of determining a difference between expansion times of that one cylinder. Denz only teaches determining the difference between compression times of successive cylinders. It would not be obvious from the teachings of Denz to determine the difference between successive compression times of an individual cylinder, as in the presently-claimed invention. Additionally, it would not be obvious based on the teachings of Denz, to utilize compression and expansion times of a single cylinder in determining a difference between the differences in compression times and expansion times involved in the single cylinder. Denz clearly teaches comparing and determining differences between different cylinders.

In view of these considerations, it is respectfully submitted that the rejection of Claims 1-8, and 10 under 35 U.S.C. 103(a) over the above-discussed reference is overcome and should be withdrawn.

**Fees**

No fees are believed to be due. However, if any fee is determined to be due, authorization is hereby given to charge the fee to deposit account #02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Respectfully submitted

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